

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

ERIK PRINCE,

Plaintiff,

vs.

THE INTERCEPT, et al.

Defendants.

Civil No. 20-cv-84-ABJ-KHR

DECLARATION OF MATTHEW COLE

Matthew Cole, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I have been named a defendant in this action. I submit this Declaration in support of Defendants' Motion to Dismiss the Complaint for Lack of Personal Jurisdiction and for Failure to State a Claim. I have personal knowledge of the facts stated in this Declaration and would be competent to testify to them.

2. I am the national security reporter for the investigative news website The Intercept, which is published by my employer, First Look Media Works, Inc. I joined The Intercept in June 2015. Since that time, I have reported extensively on issues relating to national security and foreign conflicts.

3. Prior to joining the Intercept, I was an investigative producer for NBC News and before that, an investigative producer for ABC News. I also previously wrote for ESPN magazine. All told, I have worked as a professional journalist for over 18 years.

4. I received my Bachelor's degree from Sarah Lawrence College and a Masters in Journalism from Columbia University's Graduate School of Journalism.

5. At all times relevant to this lawsuit, I was and am a resident of New York.

6. As part of my reporting on national security and foreign affairs, I wrote the news article at issue in this lawsuit, *Erik Prince Offered Lethal Services To Sanctioned Russian Mercenary Firm Wagner*, a true and correct copy of which is attached as Exhibit A, and which can also be found at The Intercept's website at <https://theintercept.com/2020/04/13/erik-prince-russia-mercenary-wagner-libya-mozambique/>.

7. At no time during the course of my reporting for and preparation of the article did I travel to the State of Wyoming. I also did not communicate with any individuals in Wyoming in connection with the article, or seek out any Wyoming agencies or entities for information.

8. At no time during the course of my reporting for and preparation of the article did I ever intend to target Wyoming, or persons within Wyoming, specifically, as distinct from members of the public throughout the United States and the world generally.

9. Although I am aware, on information and belief, that Plaintiff owns, shares in, or uses a family property in Wyoming, I have always understood him to be a resident of Northern Virginia. On information and belief, Plaintiff has lived, variously, in McLean, Virginia and Middleburg, Virginia, during the time I have been reporting on him.

10. I do not have any professional or personal connections to Wyoming. For example, I do not own property or have relatives there. I have never registered to vote in Wyoming, paid taxes there, or held a bank account or any investments there. I have never traveled to Wyoming for any reason, personal or professional.

11. As part of my reporting for the article, I contacted Mr. Prince's attorney, Matthew Schwartz, whom I understand to be in New York, to request a comment from Mr. Prince or his representative on the information I had obtained. I have communicated with Mr. Schwartz in preparation for prior stories. Mr. Schwartz denied that Mr. Prince had met with Wagner and

asked me questions that seemed designed to elicit the identities of my sources. I declined to provide information on my confidential sources. I did include Mr. Schwartz's denial, made on behalf of Mr. Prince, in my published article.

12. Attached hereto as Exhibits B - N are true and correct copies of the publications and documents provided to readers via the hyperlinks that were included in my published article, as reflected in Exhibit A.

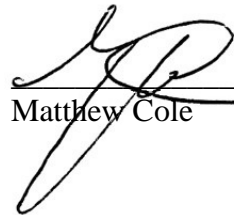
- a. Attached hereto as Exhibit B is a true and correct copy of the article, *How A Group Of Russian Guns For Hire Are Operating In The Shadows: Inside The Shadow War Fought By Russian Mercenaries*, published on or about April 17, 2018 by BuzzFeed News.
- b. Attached hereto as Exhibit C is a true and correct copy of the article, *Russian toll in Syria battle was 300 killed and wounded: sources*, published on or about February 15, 2018 by Reuters.
- c. Attached hereto as Exhibit D is a true and correct copy of a print-out from a webpage of the U.S. Department of State.
- d. Attached hereto as Exhibit E is a true and correct copy of the article, *How A 4-Hour Battle Between Russian Mercenaries and U.S. Commandos Unfolded in Syria*, published on or about May 24, 2018 by The New York Times.
- e. Attached hereto as Exhibit F is a true and correct copy of a press release from a webpage of the U.S. Department of Treasury.
- f. Attached hereto as Exhibit G is a true and correct copy of Executive Order 13660, dated March 6, 2014 from Federal Register Volume 79, No. 46.

- g. Attached hereto as Exhibit H is a true and correct copy of the article, *The FBI Is Investigating Erik Prince For Trying To Weaponize Crop Dusters*, published on or about February 20, 2020 by The Intercept.
- h. Attached hereto as Exhibit I is a true and correct copy of the article, *Trump White House Weighing Plans For Private Spies To Counter "Deep State" Enemies*, published on or about December 4, 2017 by The Intercept.
- i. Attached hereto as Exhibit J is a true and correct copy of the article, *Putin-Linked Mercenaries Are Fighting On Libya's Front Lines*, published on or about September 25, 2019 by Bloomberg.
- j. Attached hereto as Exhibit K is a true and correct copy of the article, *Libyan officials cite evidence of Russian mercenaries in war*, published on or about December 5, 2019 by Al Jazeera.
- k. Attached hereto as Exhibit L is a true and correct copy of the article, *Mozambique calls on Russian firepower*, published on or about October 2, 2019 by The Sunday Times.
- l. Attached hereto as Exhibit M is a true and correct copy of the article, *In Push for Africa, Russia's Wagner Mercenaries Are 'Out of Their Depth' in Mozambique*, published on or about November 19, 2019 by The Moscow Times.
- m. Attached hereto as Exhibit N is a true and correct copy of the article, *Blackwater Founder Erik Prince Faces Multi-Agency Federal Investigation*, published on or about March 24, 2016 by The Intercept.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3 AUGUST 2020
Date

Executed in Lowell, MA
City and State


Matthew Cole